

**REMARKS**

Claims 16-25, 36, 41-42, 44-47 and 55-84 were pending as of the issuance of the Office Action. Claims 17-19, 21-25, 36, 41, 42, 44-47 and 55-84 were withdrawn as set forth in the Office Action. Claims 16 and 20 stand rejected. By the current Amendment to Claims, claims 20 and 63-66 have been amended.

Support for the amendments to the claims can be found throughout the specification and in the claims as originally filed. Specifically, claims 20 and 63-66 have been amended to attend to formal matters.

No new matter has been added by the amendments to the claims. Applicants respectfully request that the aforementioned amendments be entered. Applicants note that the foregoing amendments have been made solely in order to expedite examination and in no way should be construed as acquiescence to the validity of the rejections set forth in the Office Action. Applicants reserve the right to pursue the claims as originally filed in this or subsequently filed applications. Following entry of the foregoing amendments, claims 16-25, 36, 41-42, 44-47 and 55-84 will be pending.

**Summary of Telephonic Interview with Examiner**

The telephonic interviews conducted between Examiner Chism and Applicants' representative, Cynthia Kanik, in June and November 2006 are gratefully acknowledged. During the interviews, the applicable rules pertaining to the withdrawal of allowable claims 17-19, 21-25, 36, 41, 42, 44-47 and 55-84 were discussed. Although these discussions did not result in an agreement regarding the propriety of withdrawing the allowable claims, the Examiner agreed that should the cited prior art be overcome, the withdrawn claims would be rejoined for further examination and/or allowance. The substance of these interviews are further included in the remarks set forth below.

**Withdrawal of Claims 17-19, 21-25, 36, 41, 42, 44-47 and 55-84**

Claims 17-19, 21-25, 36, 41, 42, 44-47 and 55-84 were withdrawn from consideration on the ground that

the species of SEQ ID NO:35 is free of the prior art. With the finding of a species free of the art, the Examiner moved on to an additional species encompassed by the generic claims. If the next species is found free of the art, it will be noted of record as such, and wherein there exists a claim(s) specific to that species and not generic to other species, that claim(s) will also be noted as free of the prior art for allowance purposes; however, if the next species is found to be taught in the prior art, then all claims not pertaining to that species will be withdrawn from consideration and *only* those claims that read upon the species found in the prior art will be considered. Under these criteria and as prosecuted below, claims 16 and 20 are under consideration as pertaining to species found in the prior art. However, claims 17-25, 36, 41-47 and 55-84 are withdrawn from consideration, as those claims do not read upon the species found in the prior art.

Applicants respectfully submit that the withdrawal of the allowable claims is improper. As set forth in MPEP § 809.02(c), under standard restriction practice, those species claims that are free of the prior art should be deemed allowable and not withdrawn. Accordingly, in the absence of a citation of the rules which form a specific basis supporting their withdrawal, Applicants respectfully request reinstatement of allowable claims 17-19, 21-25, 36, 41, 42, 44-47 and 55-84 for examination purposes.

**Objection to Claim 20**

Claim 20 has been objected to on the ground that “claim 20 requires the term --or-- to be inserted between limitations (d) and (e) to demonstrate the alternative.” Applicants have amended claim 20, as recommended by the Examiner, thereby rendering the foregoing objection moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of the foregoing objection.

**Rejection of Claim 20 under 35 U.S.C. § 112, second paragraph**

Claim 20 has been objected to “for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention” on the

ground that “[c]laim 20 is indefinite wherein it is unclear as to whether (a)-(e) have occurred or will occur to SEQ ID NO:2, and if it will occur, it is unclear if (a)-(e) is a product limitation or method steps.”

Applicants respectfully disagree. Applicants submit that claim 20 is clear and definite such that a skilled artisan would understand the scope of the claimed invention. Indeed, claim 20 is directed to the recited sequence (X<sub>1</sub>X<sub>2</sub>X<sub>3</sub>RX<sub>4</sub>LX<sub>5</sub>F) which, in part, is modified by at least one of (a)-(d). Applicants submit that the plain language of claim 20 makes clear that at least one of (a)-(d) has occurred to SEQ ID NO:2 and, accordingly, the claim is directed to the modified sequence. Notwithstanding the foregoing, Applicants have amended claim 20, thereby rendering the foregoing rejection moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 20.

**Rejection of Claims 16 and 20 under 35 U.S.C. § 102(b)**

Claims 16 and 20 have been rejected as being anticipated by Vandembark on the ground that Vandembark allegedly “teaches in Figure 4A the peptide CSF A10 of the sequence DSTRALYF. This sequence meets the limitations of the rejected claims. X<sub>1</sub>, X<sub>3</sub>, X<sub>4</sub> and X<sub>5</sub> are each a natural amino acid and X<sub>2</sub> is serine.”

Applicants respectfully disagree. In particular, Applicants assert that Vandembark does not teach an isolated peptide of the sequence DSTRALYF, as set forth in the Office Action. Indeed, the sequence set forth in Vandembark consists of a 5 mer peptide (DSTRA) and a separate 3 mer peptide (LYF). Specifically, the DSTRA sequence corresponds to residues 96-100 of the V $\beta$ 8-CDR3 and the LYF sequence corresponds to residues 106-108 of the V $\beta$ 8-CDR3 (see page 12, lines 1-19, page 35, line 18 to page 37, line 3 and Figure 4A). Moreover, Vandembark provides no indication that a DSTRALYF sequence is actually isolated as a peptide unto itself, as required by the present claims. Accordingly, the sequence taught by Vandembark is distinct from the sequences of the present invention and therefore, Vandembark fails to anticipate the pending claims, and reconsideration and withdrawal of this rejection is respectfully requested.

**CONCLUSION**

Applicants believe that no additional fee is due with this submission. However, if the Applicants are in error, the Commissioner is authorized to charge any deficiency in the fees paid herewith, or credit any overpayment, to Deposit Account No. 12-0080, under Order No. CCI-014, from which the undersigned is authorized to withdraw.

If there are any remaining issues or if the Examiner believes that a telephone conversation with Applicants' Attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at (617) 227-7400.

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Respectfully submitted,

By 

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